

REMARKS

Applicants' Claims 1-4 and 6 are rejected under 35 U.S.C. §103 (a) as being unpatentable over Viallet et al. (WO 00/13417 hereinafter Viallet) in view of Kara et al. (US Patent No. 5,323,470; hereinafter Kara).

Applicants' provide herewith declarations of both inventors Rajko Milovanivic and Todd Killian stating that the invention was conceived in this country before March 9, 2000 which is the publication date of the reference.

A copy of the applicants' patent disclosure to Texas Instruments Inc. is also provided herewith with dates blanked out describing the claimed subject matter. Applicant's undersigned attorney has reviewed the disclosure and verifies that the dates on the disclosure are before March 9, 2000. The application was first filed as a provisional application on June 8, 2000. Since applicant's conception is before the date of the Viallet reference publication and applicants' filing is less than a year before March 9, 2000 the Viallet is not a valid reference. There was due diligence toward filing in that after the conception before March 9, 2000. The disclosure subsequent to being submitted was reviewed by a Texas Instruments Inc. patent committee of technical people to determine novelty and value and then assigned to an attorney for filing. The patent attorney proceeded with the help of the inventors to prepare and file a provisional application on June 8, 2000.

Further, the description in the copy of the disclosure provided is proof that prior to March 9, 2000 the inventors had prepared a description of the invention that was sufficiently specific to enable one skilled in the art to practice the invention. The description is sufficient to show that the invention was ready for patenting. See the description in the copy of their invention disclosure provided herewith. As stated in the United States Supreme Court case of Pfaff v Wells

Electronics, 525 U.S. 55 (U.S. 1998) the meaning of the term “invention” was specifically defined as it applies to 35 U.S.C. 102 (a) and 102 (e). It is clear from reading 35 U.S.C. 102 (a) and 102 (b) that the word “invention” in the statute “does not contain any express requirement that an invention must be reduced to practice” as stated in Pfaff and even in section 102 (g) where the conception and reduction to practice are specifically mentioned, there is no requirement that these be the only factors considered.

Since the rejection of all of the claims are all based on the Viallet reference that should be removed, the rejection should be removed and the claims made allowable.

In addition applicants’ Claim 1, as amended, calls for: “building a visual enumeration list of humans in the video telephony session for the camera to focus on wherein the building step includes comparing a stored bit map of the faces of participants with a received bit map from the camera; determining locations of the humans by determining the location of the faces in the image; and controlling the camera to hop directly from human to human using the location of the faces”. It is not seen where this is taught or suggested in the references. The examiner has referenced the Viallet reference. The Viallet reference discusses generally an automatic framing (30) on the basis of data supplied by the sequence analyzing means (40), on the selected person or group. In addition to the reference not being an appropriate reference for the reasons stated previously, the Viallet reference does not teach a building step that includes comparing a stored bit map of the faces of participants with a received bit map from the camera or determining the locations of the faces in the image or controlling the camera to hop directly from human to human using the location of the faces as claimed in applicant’s amended Claim 1. It is not seen where this is taught in the other references. Claim 1, as amended, is therefore deemed allowable over the references.

Claims 2- 4 and 6-16 dependent on Claim 1 are deemed allowable for at least the same reasons.

Claims 7-12 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Viallet in view of Kara and Robinson (GB 2,313,251A; hereinafter Robinson). Since the rejection is based on the Viallet reference and this reference should be removed for the reasons discussed above these claims are deemed allowable. Further, since Claims 7-12 are dependent on Claim 1 these claims are deemed allowable for at least the same reasons as Claim1.

Claims 13-16 are rejected under 35 U.S.C. §103 (a) as being unpatentable over Viallet reference in view of Kara et al and in view of Obata et al. (U.S. Patent No. 6,462,767; hereinafter Obata). Since the rejection is based on the Viallet reference and this reference should be removed for the reasons discussed above these claims are deemed allowable. Further, since Claims 13-16 are dependent on Claim 1 these claims are deemed allowable for at least the same reasons as Claim1.

Claims 17-18 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Viallet in view of Robinson et al. (GB 2,313,251A; hereinafter Robinson). Since the rejection is based on the Viallet reference and this reference should be removed for the reasons discussed above these claims are deemed allowable. Further, Claims 17-18 include limitations with respect to the building step including comparing a stored bit map of the faces of participants with a received bit map from the camera, determining locations of the humans by determining the location of the faces in the image, and controlling the camera to hop directly from human to human using the location of the faces in a shared mode. Claim 17 is therefore deemed allowable for at least the same

reasons as Claim 1. Claim 18 dependent on Claim 17 is deemed allowable for at least the same reasons as Claim 17.

In view of the above applicants' Claims 1-17 are deemed allowable an early notice of allowance of these claims is deemed in order and is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Robert L. Troike".

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